

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RUSSELL MARTINEZ,

Plaintiff,

No. 14-cv-00534 KG/WPL

vs.

JOSEPH SALAZAR, et al.,

Defendants.

**PLAINTIFF'S FIRST SET OF
INTERROGATORIES TO DEFENDANT LEO MONTOYA**

Plaintiff Russell Martinez, by and through undersigned counsel, submits the following interrogatories to Defendant Leo Montoya pursuant to Federal Rule of Civil Procedure 33.

INSTRUCTIONS

The following instructions apply to each of these Interrogatories.

1. You are to answer the following Interrogatories separately and fully, in writing, under oath, to the best of your ability from knowledge you are able to obtain from any and all sources available to you, your agents, servants, representatives, and/or counsel, pursuant to the provisions of Federal Rule of Civil Procedure 33 within thirty (30) days of service.
2. These Interrogatories are of a continuing nature. Should any information come to the attention of you or your representatives, agents, or attorneys, or should circumstances arise that merit amendment, modification, or addition to the answers, the amendments, modifications, or additions should be submitted to opposing counsel immediately.
3. In answering these Interrogatories, furnish all information, however obtained, including hearsay, that is available to you or to your representatives, agents, or attorneys.

EXHIBIT B

4. If you cannot answer the following Interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible, specify in your answer your alleged inability to answer the remainder, state whatever information or knowledge you have concerning the unanswered portion, and detail what you did in attempting to secure the unknown information.

5. If you decline to answer any Interrogatory in whole or in part, specify the ground for objection. If you base your refusal to answer on a claim of privilege or work product, please set forth the basis of your claim of privilege or protection with sufficient particularity to permit Plaintiff to assess the applicability of the privilege or protection claimed.

6. References to the singular include the plural, and references to the plural include the singular.

DEFINITIONS

Whenever one of the following defined terms is used in an interrogatory or any other place in this document, the interrogatory or other portion of the document shall be read and responded to as if the defined term was set forth in full.

1. “All” and “any” mean “any and all.”
2. “And” includes both its disjunctive and conjunctive meanings, and is equivalent to “and/or.” Whenever the conjunctive is used herein it shall also be taken in the disjunctive and vice-versa.
3. “Each” means “each and every.”
4. “Include” and “including” means “include, but do not limit” and “including, but not limited to.”
5. “Person” means, unless otherwise specified, any natural person, artificial person, firm, entity, corporation, partnership, proprietorship, association, joint venture, department, division, other form of organization or arrangement, and government agency of every nature and type.

INTERROGATORIES

Plf.'s Interrogatory No. 18 to Espanola Defs.: Please provide a full and detailed description of your educational history beginning with high school. Include in your answer all vocational training, certifications you have received, the years of attendance for each school, whether you graduated, and your grade-point average.

ANSWER:

Plf.'s Interrogatory No. 19 to Espanola Defs.: Please provide a full and detailed description of your work history. Include in your answer the pay you received and your rank and job duties throughout your time with each employer, and for each employer for which you no longer work, the specific reason why you resigned or were terminated.

ANSWER:

Plf.'s Interrogatory No. 20 to Espanola Defs.: Please provide a full and detailed description of the training you have received as, or to become, a law enforcement officer. Include in your answer a list, by name, of all classes or courses that you have completed, the date you completed the class or course, the length of the class or course, who acted as the instructor for the class or course, and whether you have any certificates showing completion of any such course.

ANSWER:

Plf.'s Interrogatory No. 21 to Espanola Defs.: Please provide a full and detailed description of your decision to hire Defendants Joseph Salazar and Greg Esparza. Include in your answer a complete explanation of the decision-making process that you undertook, and state, with specificity, what documents you relied on in making your decision.

ANSWER:

Plf.'s Interrogatory No. 22 to Espanola Defs.: Please provide a full and detailed description of the training that you provided to Defendants Joseph Salazar and Greg Esparza in the areas of use of force, the need to medically clear certain inmates for jail, documenting injuries that police officers sustain in the course of their duties, preserving evidence of a crime, and the discretion given to officers regarding whether or not to charge a person with a crime.

ANSWER:

Plf.'s Interrogatory No. 23 to Espanola Defs.: Please provide a full and detailed description of the supervision you had over Defendants Joseph Salazar and Greg Esparza. Please include in your answer how often you reviewed the performance of Defendants Joseph Salazar and Greg Esparza, how those reviews were conducted, what documents were reviewed and created as part of that review process, and the outcome of each review.

ANSWER:

Plf.'s Interrogatory No. 24 to Espanola Defs.: Please state whether any grievances, complaints, internal affairs investigations, or disciplinary proceedings pertaining to either Defendant Joseph Salazar or Greg Esparza have been lodged or instituted. For any such grievance, complaint, investigation, or proceeding, please provide a full and detailed description of the underlying facts and its resolution.

ANSWER:

Plf.'s Interrogatory No. 25 to Espanola Defs.: Please provide a full and detailed description of the process by which individuals in custody of the Espanola Department of Public Safety who needed medical attention prior to being detained obtained a medical clearance from Presbyterian Espanola Hospital. In your answer, please state whether you are aware of any document created by Presbyterian Espanola Hospital or the City of Espanola memorializing or otherwise referencing this procedure.

ANSWER:

Plf.'s Interrogatory No. 26 to Espanola Defs.: Please provide a full and detailed description of any disciplinary action that has been taken, or any grievance or complaint that has been lodged, against you in your capacity as a law enforcement officer, whether you were employed by the City of Espanola or elsewhere.

ANSWER:

Plf.'s Interrogatory No. 27 to Espanola Defs.: Please provide a full and complete description of any time you have been arrested for, or charged with, a crime. Include in your answer the date and place of arrest, the reason for the arrest, the name of the law enforcement agency involved in the arrest, the charges, if any, that were filed against you, the name of the court the charges were heard in, the outcome of the charges and the punishment, if any, you received upon conviction or adjudication as delinquent.

ANSWER:

Plf.'s Interrogatory No. 28 to Espanola Defs.: Please provide a full and complete description of any lawsuit, other than the instant case, in which you have been a party. For each lawsuit, include in your answer the names of the parties involved in the lawsuit, the name of the court in which the lawsuit was filed, the case number of each lawsuit, and the names of the attorneys representing any party in the lawsuit.

ANSWER:

Respectfully submitted,

COBERLY LAW OFFICE

/s/ Todd A. Coberly

TODD A. COBERLY
1322 Paseo de Peralta
Santa Fe, NM 87501
(505) 989-1029

Attorney for Russell Martinez

DECLARATION

I, Leo Montoya, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury that the foregoing answers to *Plaintiff's First Set of Interrogatories to Defendant Leo Montoya* are true and correct. Executed on _____.

Leo Montoya